

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KAYLA HECT, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RODNEY HECT,

Respondent-Appellant,

and

JENNIFER RICHARDS,

Respondent.

UNPUBLISHED
August 21, 2003

No. 246674
Shiawassee Circuit Court
Family Division
LC No. 01-009929-NA

Before: Markey, P.J., and Cavanagh and Saad, JJ.

MEMORANDUM.

Respondent Hect appeals by delayed leave granted from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(h), and is being decided without oral argument pursuant to MCR 7.214(E). We affirm.

The trial court did not clearly err in finding that the statutory ground for termination had been proved by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). Respondent had been convicted of second-degree criminal sexual conduct and was serving a prison sentence of 30 to 180 months. Further, the trial court did not clearly err in its determination that the evidence on the whole record did not clearly show that termination was clearly not in the child's best interests. *In re Trejo Minors*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000); MCL 712A.19b(5). Therefore, the trial court did not clearly err in terminating respondent's parental rights to the child. *Trejo, supra* at 356-357.

We affirm.

/s/ Jane E. Markey
/s/ Mark J. Cavanagh
/s/ Henry William Saad